

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CRYSTAL LYNN SUGGS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CONNIE JO SUGGS,

Respondent,

and

LAWRENCE PAUL SUGGS, JR.,

Respondent-Appellant.

UNPUBLISHED

May 25, 2001

No. 227928

Wayne Circuit Court

Family Division

LC No. 91-295331

Before: Jansen, P.J., and Zahra and Owens, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the family court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), (i) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g), (i) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The family court did not clearly err in finding that §§ 19b(3)(c)(i), (g), and (j) were each established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Although we find some merit to respondent-appellant's claim that § 19b(3)(i) was not sufficiently proven, because only one statutory ground need be established in order to terminate parental rights, *In re Trejo Minors*, 462 Mich 341, 352; 612 NW2d 407 (2000), and because we conclude that §§ 19b(3)(c)(i), (g), and (j) were each sufficiently established, we need not decide whether termination was warranted under § 19b(3)(i). Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo*, *supra* at 356-357.

Respondent also argues his due process rights were violated because he did not have notice that termination was being sought under §§ 19b(3)(i) and (j), because those statutory grounds were not cited in the petition for permanent custody. We disagree. We review constitutional issues de novo as questions of law. *Kampf v Kampf*, 237 Mich App 377, 381; 603 NW2d 295 (1999). Contrary to what respondent-appellant asserts, § 19b(3)(i) was cited as a basis for termination in the permanent custody petition. Although § 19b(3)(j) was not specifically cited in the petition, the petition did specifically list all of the allegations that comprised the factual basis for termination under § 19b(3)(j), and for which evidence was presented at the termination hearing. Accordingly, this defect was technical and did not erode the fact of actual notice. *In re Slis*, 144 Mich App 678, 684; 375 NW2d 788 (1985). Furthermore, because the family court's decision is independently supported by §§ 19b(3)(c)(i) and (g), and because respondent-appellant does not allege any defect in notice with regard to these subsections, any error in terminating under §§ 19b(3)(i) and (j) would not require reversal.

Affirmed.

/s/ Kathleen Jansen
/s/ Brian K. Zahra
/s/ Donald S. Owens